

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, Alexandria, VA 22313 on the date shown below:

February 6, 2004

David Saliwanchik

David R. Saliwanchik, Patent Attorney

INFORMATION DISCLOSURE
STATEMENT
Patent Application
Docket No. GER-100XCD1
Serial No. 10/761,509

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Act Unit :
Applicant(s) : John F. Gerber and James H. White
Serial No. : 10/761,509
Filed : April 11, 2003
Conf. No. :
For : Materials and Methods for the Efficient Production of Pasteuria
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§1.97 AND 1.98

Sir:

In accordance with 37 C.F.R. §1.56, the references listed on the attached form PTO/SB/08 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. Copies of the cited documents are enclosed. Also enclosed are copies of the English translation of Japanese Patent No JP 06165670A and the International Search Report from the related PCT application.

The applicant respectfully asserts that the substantive provisions of 37 C.F.R. §§1.97 and 1.98 are met by the foregoing statement.

Respectfully submitted,

David Saliwanchik

David R. Saliwanchik

Patent Attorney

Registration No. 31,794

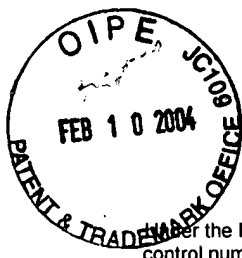
Phone No.: 352-375-8100

Fax No.: 352-372-5800

Address: 2421 N.W. 41st Street, Suite A-1
Gainesville, FL 32606-6669

DRS/rpj

Enclosures: Form PTO/SB/08 (2 pages), references cited therein, English Translation of Japanese Patent, and International Search Report



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	10/761,509
				Filing Date	January 20, 2004
				First Named Inventor	John. F. Gerber
				Art Unit	
				Examiner Name	
Sheet	1	of	2	Attorney Docket Number	GER-100XCD1

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number - Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	U1	US-5,094,954	03-10-1992	Previc <i>et al.</i>	
	U2	US-			
	U3	US-			
	U4	US-			
	U5	US-			
	U6	US-			
	U7	US-			
	U8	US-			
	U9	US-			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³	Number ⁴ - Kind Code ⁵ (if known)			
	F1		JP 06165670A	06-14-1994	Moriyama <i>et al.</i>	
	F2		(English Translation of JP 06165670 A)			
	F3		WO 99/05325	02-04-1999	Goldstein	
	F4					
	F5					
	F6					
	F7					

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard T.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



PTO/SB/08B (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

2

of

2

Complete if Known

Application Number	10/761,509
Filing Date	January 20, 2004
First Named Inventor	John F. Gerber
Group Art Unit	
Examiner Name	
Attorney Docket Number	GER-100XCD1

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article, (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	R1	ATCC: (1992) <i>Bacteria & Bacteriophages</i> , 18 th Ed., pp. 478-479.	
	R2	BISHOP, A.H. and D.J. ELLAR (1991) "Attempts to Culture <i>Pasteuria penetrans</i> in vitro." <i>Biocontrol Science and Technology</i> . Vol 1, pp. 101-114.	
	R3	BROCK, T. et al. (1991) <i>Biology of Microorganisms</i> . Simon & Schuster, Englewood Cliffs, NJ; 6 th Ed. pp. 474-483.	
	R4	CHEN and DICKSON (1998) "Review of <i>Pasteuria penetrans</i> : Biology, ecology, and biological control potential." <i>J. Nematology</i> . Vol. 30, pp. 313-340.	
	R5	DUPONNOIS, R. et al. (1999) "Beneficial effects of <i>Enterobacter cloacae</i> and <i>Pseudomonas mendocina</i> for biocontrol of <i>Meloidogyne incognita</i> with the endospore-forming bacterium <i>Pasteuria penetrans</i> ." <i>Nematology</i> , Vol. 1, No. 1, pp. 95-101.	
	R6	DUPONNOIS, R. and A.M. BA (1998) "Influence of the Microbial Community of a Sahel Soil on the Interactions Between <i>Meloidogyne Javanica</i> and <i>Pasteuria Penetrans</i> ." <i>Int. J. Nematol. Res.</i> Vol. 44, pp. 331-344.	
	R7	FIRE, A. et al. (1998) "Potent and specific genetic interference by double-stranded RNA in <i>Caenorhabditis elegans</i> ." <i>Nature</i> . Vol. 391, pp. 806-811.	
	R8	REISE, R.W. et al. (1988) Abstracts of the 27 th Annual Meeting Society of Nematologists, pg. 75	
	R9	REISE, R.W. et al. (1991) "Limited In-vitro Cultivation of <i>Pasteuria-Nishizawa</i> ." <i>Journal of Nematology</i> . Vol. 23, No. 4, pp. 547-548, abstract.	
	R10	VERDEHO, S. and R. MANKAU (1986) <i>Journal of Nematology</i> . Vol. 18, pg. 635.	
	R11		
	R12		
	R13		

Examiner
Signature

Date

Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.